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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,289	04/08/2004	Robert M. Andres	2003P11152US01; 60426-645	8613
24500	7590	10/18/2007	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH attn: SV-CONTI TRANSITION ISELIN, NJ 08830			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
			10/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/820,289	Applicant(s) ANDRES, ROBERT M.	
	Examiner Ruth Ilan	Art Unit 3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-6 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 5, and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims have been amended to include the limitation "independent of a crash event" in an attempt to define over the prior art of record. It is noted, however that this limitation was not reasonably or sufficiently described in the specification as originally filed. The examiner notes that paragraph [19] of the specification as originally filed includes the following language "The graph represents logic stored within the controller 14 for deployment of the air bag 18 in response to signal *from the satellite sensor 16 and the vehicle speed sensor 24*" (*Examiner's italics.*) Additionally, in paragraph [18] the specification states that "...one way to desensitize the system 12 is by requiring a certain level of input from more than one sensor". In both instances, as best understood based on the cursory nature of the specification, these entail crash events.

***Claim Rejections - 35 USC § 102***

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 10, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Okada (US 6,305,709 B1.) Okada teaches a method of deployment discrimination for an air bag that includes the steps of determining whether an air bag is traveling above a predetermined speed and sensitizing the deployment algorithm decision threshold for a side airbag in response to the air bag traveling above the predetermined speed (see Figure 3 and 4) and desensitizing the decision threshold if the if the speed is below a predetermined speed (V1) for a predetermined time (t2) See col. 7, lines 35-55, for further explanation. The air bag is a side air bag. Regarding claim 15, the desensitizing is independent of a crash event, since the lowest threshold corresponds to a rough road condition (see col. 8, lines 10-16), which is not a crash event.

***Claim Rejections - 35 USC § 103***

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US 6,305,709 B1) in view of Drummond (US 6,591,932.) Okada is discussed above, and does not teach multiple satellite sensors. Drummond teaches that it is known to use multiple satellite sensors for side impact detection, and that such use provides earlier detection than a single sensor (see col. 1, lines 30-35.) In view of the teaching of Drummond, it would have been obvious to one having ordinary skill in the art at the time

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of the invention to include satellite sensors with the detection system of Okada in order to provide for early detection of side impact.

4. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US 6,305,709 B1.) Okada is discussed above, and does not specifically disclose the value of V1, and as such does not teach 7 mph (or 2, if that is what the applicant intends based on the specification.) However, it would have been obvious to one having ordinary skill in the art at the time of the invention to set V1 to such a relatively low velocity, since V1 is the velocity below which the airbag is intended to not deploy, and 7 mph or 2 mph is slow enough to not require an airbag. Additionally it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

#### ***Response to Arguments***

5. Applicant's arguments filed 7/31/07 have been fully considered but they are not persuasive. Applicant's arguments with respect to the 112 1<sup>st</sup> rejection of claims 11 and 12 have been considered and they are persuasive, however regarding the prior art rejection of claims 1 and 10, there is no where in the claims that requires that velocity determination be separate from a crash determination. Okada uses the acceleration sensor to determine velocity by double integration. The claims do not require a separate speed sensor, and as such the arguments are not well founded.

#### ***Conclusion***

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

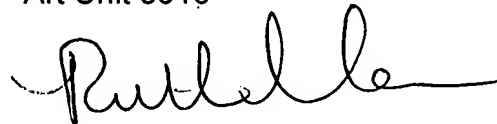
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ruth Ilan  
Primary Examiner  
Art Unit 3616

  
10/14/07

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